

Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ESTATE OF IAN SIMMERS, by and  
through administrator, Donna Berube,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

No. 2:21-cv-00100-BJR

DECLARATION OF GEOFF  
GRINDELAND IN SUPPORT OF  
MOTION FOR SUMMARY JUDGMENT

I declare under penalty of perjury that I am over the age of 18 and competent to testify, and that the following is true and correct:

1. I am one of the attorneys representing King County, Major McSwain, and Captains Baxter and Raftis in this matter.

2. Attached as **Exhibit A** are excerpts from the verbatim report of proceedings on March 14 and March 15, 1996, during Ian Simmers' criminal trial.

3. Attached as **Exhibit B** are excerpts from the transcript of the deposition of Ian Simmers on July 6 and July 28, 2022, including Exhibits 1 and 3 thereto.

4. Attached as **Exhibit C** are excerpts from the verbatim report of proceedings on March 20 and March 21, 1996, during Ian Simmers' criminal trial.

1           5. Attached as **Exhibit D** is a transcript of Ian Simmers' tape-recorded  
2 confession on March 15, 1995. (The audio recording is being submitted via the  
3 Declaration of Nikki Carsley in Support of Motion for Summary Judgment.)

4           6. Attached as **Exhibit E** is Ian Simmers' Complaint (without attachments)  
5 from his action under the Wrongly Convicted Persons Act, filed in King County Superior  
6 Court on February 25, 2022, under cause number 22-2-02832-7 SEA. After Mr.  
7 Simmers' death, the Personal Representative of his Estate was substituted as Plaintiff  
8 in the action.

9           7. Attached as **Exhibit F** is an explanation-and-waiver-of-rights form that Ian  
10 Simmers signed on February 15, 1995.

11           8. Attached as **Exhibit G** are excerpts from the transcript of the deposition of  
12 Donna Berube on January 10, 2024.

13           9. Attached as **Exhibit H** are excerpts from the verbatim report of  
14 proceedings on March 19, 1996, during Ian Simmers' criminal trial.

15           10. Attached as **Exhibit I** is the report by Plaintiff's DNA expert, Dr. Karl  
16 Reich.

17           11. Attached as **Exhibit J** is Plaintiff's Rule 26(a)(2) Expert Disclosure.

18           12. Attached as **Exhibit K** is the report by Plaintiff's disputed-confession  
19 expert, Dr. Hayley Cleary.

20           13. Attached as **Exhibit L** are excerpts from the transcript of the deposition of  
21 Dr. Hayley Cleary on January 18, 2023.

22           14. Attached as **Exhibit M** is the report by Plaintiff's police expert, Chief Craig  
23 Miller.

Signed February 12, 2024, at Bainbridge Island, Washington

Geoff Grindeland

**CERTIFICATE OF SERVICE**

I certify that on the date below I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

**Attorney for Plaintiff**  
David Owens

**Attorneys for Bothell Defendants**  
Shannon Ragonesi  
Paul Triesch

I further certify that on the date below I mailed by U.S. Postal Service a copy of the foregoing document to the following non-CM/ECF participants:

N/A

DATED: February 12, 2024

s/Geoff Grindeland  
Geoff Grindeland